

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 14, 2009**

**DIVISION THREE**

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B204659 People v. Jimmy Gutierrez  
B204445 People v. H.V.  
B199928 People v. United States Letele  
B202936 People v. Pedro Hernandez  
B205875 People v. Cyrus Cardan

Argument waived, cause submitted.

B195289      Laura Dodson  
                  v.  
                  Irwin Pomenrantz & Assoc. LLP et al

Merits:

Argued by Leslie S. McAfee for appellant and by Jonathan B. Cole for respondents. Cause submitted.

B196818      Mary McFadden  
                  v.  
                  Board of Building and Safety Commission

Merits:

Amy Brothers, Deputy City Attorney, appeared for respondent and waived oral argument. No appearance by appellant. Argument waived, cause submitted.

DIVISION THREE (continued)

B204302     Eveline H. Brownstein  
                 v.  
                 Keith Hagaman et al

Merits:  
Argued by Jeffrey Lee Licht for appellant and by David Khan for  
respondents. Cause submitted.

B210983     In re Joey Wayne Hatfield  
                 on  
                 Habeas Corpus

Merits:  
Argued by Kathleen R. Frey, Deputy Attorney General for appellant and by  
Nancy Tetreault for respondent. Cause submitted.

B206243     Jordana Weisdorf Mahserjian  
                 v.  
                 Serco Management Services, Inc.

Merits:  
Argued by Kevin Boyle for appellant and by Patrick O'Keefe for  
respondent. Cause submitted.

Court recesses.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Zaida G. Heraldez, Deputy  
Clerk.

DIVISION THREE (continued)

Each of the following:

B207870 People v. Mark Anthony Taravella  
B211741 C.M., v. S.C.L.A. (DCFS)  
B199705 People v. Kyle Lambert McCombs, et al  
B202717 Rebecca A. Rickley et al v. Marvin Goodfriend et al  
B205497 People v. Vernon Whitaker et al

Argument waived, cause submitted.

B202717     Rickley  
               v  
               Goodfriend

Merits:

Argued by Edward Horowitz for appellant and by Mark E. DiMaria for respondent. Cause submitted.

B207676     Louise Mae Brown  
               v.  
               Los Angeles County

Appearances:

Dennis H. Boothe for appellant and Marc J. Wodin for respondent appear and waive oral argument. Cause submitted.

B205493     People  
               v.  
               Corey Lewis

Merits:

Argued by David D. Martin for appellant and no appearance for respondent. Cause submitted.

DIVISION THREE (continued)

B204334     Apartment Association of L.A.  
              v.  
              City of Los Angeles

Merits:

Argued by Craig Mordoh for appellant and by Gerald Sato, Deputy City Attorney for respondent. Cause submitted.

B207928     Los Angeles County, D.C.F.S.  
              v.  
              F.W.

Merits:

Argued by Appellant F.W, in propria persona and by Amir Pichvai, Deputy County Counsel for respondent. Cause submitted.

B211141     Tarkington  
              v.  
              Superior Court, Los Angeles County  
              (The People, r.p.i.)

Merits:

Argued by Diane Berley for petitioner and by Mary Sanchez, Deputy Attorney General for real party in interest. Cause submitted.

B208003     Massie Munroe  
              v.  
              L.A. County Department of Public Works

Merits:

Argued by Evelyn Abasi for appellant and by Calvin R. House for respondent. Cause submitted.

Court adjourned.

DIVISION FOUR

[illegible]

The order is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.  
Suzukawa, J.

B206645      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
J.G.

The jurisdictional order is reversed with respect to Jesus's biological son A., only.

Manella, J.

We concur: Epstein, P.J.  
Willhite, J.

B205504 People (Not for Publication)  
v.  
Olivares

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

DIVISION FIVE

B201423     Christine M. Carmichael                    (Not for Publication)  
                 v.  
                 Lloyd Cownbey, Jr.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:   Turner, P.J.  
                 Kriegler, J.

B202301     Badrudin Kurwa                    (Not for Publication)  
                 v.  
                 Physician Associates of the Greater San Gabriel Valley, et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur:   Mosk, J.  
                 Kriegler, J.

B207220     People                                    (Not for Publication)  
                 v.  
                 Roberto Carlos Cordova

The judgment is affirmed.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                 Kriegler, J.

## January 14, 2009 (Continued)

## DIVISION FIVE (continued)

B208967 People (Not for Publication)  
v.  
Daniel Smith

The judgment is affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B205872      People      (Not for Publication)  
v.  
Michael Turner

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                     Mosk, J.

B208488      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
M.M.

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

January 14, 2009 (Continued)

DIVISION FIVE (continued)

B209057      511 OFW, LLP                      (Not for Publication)  
                 v.  
                 First Federal Bank of California

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur:    Armstrong, J.  
                 Mosk, J.

B203500      People                                      (Not for Publication)  
                 v.  
                 Derrick Foster

The judgment is affirmed.

Armstrong, J.

We concur:    Turner, P.J.  
                 Mosk, J.

B204411      People  
                 v.  
                 George H.

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 9:00 a.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.



DIVISION SIX (continued)

B207765      Windglows v. Morgan

Argument waived, cause submitted.

B195446      Charles A. Pratt Construction Co.  
v.  
California Coastal Commission

Merits:

Argued by Michael M. Berger for appellant and by John A. Saurenman, Deputy Attorney General, for respondent. Cause submitted.

B205397      Mayhew  
v.  
Pearl Industries, Inc.

Merits:

Argued by Michael D. Shore for appellants and by W. Ernest Mooney for respondent. Cause submitted.

B205995      Uranga  
v.  
Continental Casualty Co.

Merits:

Argued by Esther R. Sorkin for appellant and by Derrick Raburn Sturm for respondent. Cause submitted.

Perren, J. left the bench.

DIVISION SIX (continued)

B205938 Millos  
v.  
Lopez

Merits:

Argued by Wendy C. Lascher for appellant and by Martin T. Lee for respondent. The court takes judicial notice that the standard of living in Bolivia is far less than in Santa Barbara, California. Cause submitted.

B196755 Stevens  
v.  
Vons Companies

Merits:

Argued by Paul W. Cane for appellant / cross-respondent and by Donna Bader for respondent / cross-appellant. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B205667 Reiswig v. County of San Luis Obispo

Argument continued to February, 2009.

Each of the following:

B202851 Child Welfare Services v. E.G. and R.S.  
B207205 Dept. of Social Services v. K.D.  
B209447 Child Welfare Services v. J.K.

Argument waived, cause submitted.

DIVISION SIX (continued)

B204271     Marriage  
              of  
              Woronovich

Merits:

Argued by Marcus S. Bird for appellant and by Larry La Borde for respondent. Cause submitted.

B195908     McMullen  
              v.  
              Jones

Merits:

Argued by Clark D. Nicholas for appellant and argument previously waived by respondent. Cause submitted.

B205091     Peak Las Positas Partners  
              v.  
              Bollag

Merits:

Argued by Dan Woods for appellant and by Timothy E. Metzinger for respondent. Cause submitted.

B204910     Elinski  
              v.  
              Palm Colony Homeowners Assoc.

Merits:

Argued by Richard Michael Elinski, appellant, appearing in propria persona; and submitted without argument by Dirk Mario DeGenna for respondents Brooks et al. The court admonishes appellant to limit his argument to the legal issues on appeal, and that, this hearing is not a forum for appellant to make disparaging remarks. Cause submitted.

Gilbert, P.J. left the bench.

DIVISION SIX (continued)

B211196 M.G.

v.

Santa Barbara Superior Court  
(Child Welfare Services, r.p.i.)

Extraordinary Writ:

Presented by M.G., petitioner, appearing in propria persona; and submitted without argument by Joel F. Block, Deputy County Counsel, for real party in interest. Cause submitted.

B202606 Barrette

v.

Costco Wholesale Corp.

Merits:

Argued by Charles A. Valente for appellant / cross-respondent and by Russell Clive Handy for respondent / cross-appellant. Cause submitted.

Court recessed.

Court reconvened at 3:40 p.m.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B212067 Bernstein

v.

Ventura County Superior Court  
(Bernstein, r.p.i.)

Order to Show Cause:

Presented by Thadd Allan Blizzard for petitioner; by Martha R. Farwell for real party in interest Ilya Bernstein; and by Michael C. McMahon, Chief Deputy Public Defender, for real party in interest Karl Bernstein. Cause submitted.

Court adjourned.

## DIVISION SIX (continued)

B209455 People  
v.  
Allegría, III,

### The Court:

Due to clerical error, the file date on the above entitled opinion was erroneously dated January 12, 2008. The correct filed date is January 12, 2009. In all other respects the opinion is in full force and effect.

## DIVISION SEVEN

B206542 People (Not for Publication)  
v.  
L. H.,

The order is affirmed.

Zelon, J.

We concur: Perluss, P.J.  
Jackson, J.

B198947 People (Not for Publication)  
v.  
Hammler

The sentence is vacated and the matter is remanded for resentencing consistent with the principles set forth in this opinion. In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.  
Woods, J.

## DIVISION SEVEN (continued)

B203004      Pal      (Not for Publication)  
v.  
Nordstrom, Inc.

The judgment is affirmed. Nordstrom shall recover its costs on appeal.

Zelon, J.

We concur: Perluss, P.J.  
Woods, J.

B204981 Aragon (Not for Publication)  
v.  
Lazo

The judgment is affirmed. Lazo shall recover her costs on appeal.

Zelon, J.

We concur: Woods, Acting P.J.  
Jackson, J.

B198319      Brand et al.,      (Not for Publication)  
v.  
George Chung Realty, Inc., et al.,

The judgment is affirmed. Plaintiffs are to recover their costs on appeal.

Jackson, J.

We concur: Perluss, P.J.  
Zelon, J.

## DIVISION SEVEN (continued)

[illegible]

The December 11, 2007 disposition order is amended to reflect that the minor's maximum period of physical confinement is two years two months. As modified the order is affirmed.

Jackson, J.

We concur: Perluss, P.J.  
Zelon, J.

B203548 Ameriloan et al.  
v.  
Superior Court, Los Angeles County  
(People of the State of California, r.p.i.)

Filed order modifying opinion. (No change in the judgment)

## DIVISION EIGHT

[illegible]

The judgment is affirmed.

Bigelow, J.

We concur: Flier, Acting P.J.  
O'Neill, J. (Assigned)

January 14, 2009 (Continued)

## DIVISION EIGHT (continued)

B210955 People (Not for Publication)  
v.  
Donaldson

The trial court's order is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.  
Flier, J.